

REMARKS

The most recent Official Action has been carefully considered. Claims 1, 2, 4, 8, 9, 11, 29-34, 36-41, 48 and 50-56 are currently pending and subject to examination. By the present amendment, claims 1, 2, 4, 8, 9, 11, 29-34, 36-41, 48 and 50-52 have been cancelled, and claims 57-82 have been added. As these amendments do not include new matter, entry is believed in order and is therefore respectfully requested.

The examiner has rejected the newly cancelled claims under 35 U.S.C. § 103 as being unpatentable under McNeil et al (US 5,403,549) and Choy et al. (US 6,046,150). Applicant's previously presented claim 53 is directed to a novel composition consisting of:

- water;
- one or more monopersulfate compounds;
- one or more buffers, at least one of which is selected from the group consisting of alkali metal and alkaline earth metal salt forms of bicarbonate and/or carbonate; and
- one or more ketones, at least one of said ketones being selected from the group consisting of acetone, 2-butanone, 2-pentanone, 2-hydroxy-4-methyl-2-pentanone, hexafluoroacetone, trifluoroacetone, acetophenone, camphorsulfonic acid, and levulinic acid,
- wherein the composition has a pH of from about 5 to about 9 and is formulated to achieve in situ generation of dioxirane.

Applicant's new claim 61 adds to the composition of claim 53 the element of one or more co-solvents; applicant's new claim 68 adds to the composition of claim 53 the element of one or more surfactants; and applicant's new claim 75 adds to the composition of claim 53 the elements of one or more co-solvents and one or more surfactants.

Each of the teachings of McNeil and Choy include additional solution elements (or fail to include elements) not included in the claims previously allowed by the examiner (claims 53-56), and those new claims presented herewith.

Specifically, McNeil teaches a composition for disinfecting matter or materials contaminated with bacteria, bacterial spores, fungi or viruses, wherein the composition consists of a mixture of a peroxymonosulfate and carbonyl-containing compounds. However, the composition of McNeil does not comprise one or more buffers, at least one of which is selected from the group consisting of alkali metal and alkaline earth metal salt forms of bicarbonate and/or carbonate, and the McNeil composition has a pH outside of the range of about 5 to about 9.

Further, Choy is directed to liquid cleaning/bleaching compositions containing **certain novel N-alkyl ammonium acetonitrile compounds (hereafter MMAs)** to provide stability and increase shelf life of compositions containing peroxyacid bleaching compounds in alkaline solutions (see generally, "Background of the Invention" and specifically column 2, lines 47-50 and column 3, lines 1-4), which is not an element of the present invention as claimed.

Therefore, the applicant believes that the present claims and application are in condition for allowance.

Double Patenting.

The rejection of claims under the doctrine of obviousness-type double patenting as being unpatentable over claims 8-27 and 34-40 of co-pending application Serial No. 10/693,194 is maintained. The Applicants at this time have not provided a terminal disclaimer in this application, but will consider such a disclaimer in the event the claims in this application and the co-pending application are allowed, and in the form allowed would constitute obviousness-type double patenting.

Conclusion.

Applicants believe this is a thorough and comprehensive response to the rejections set forth by the Examiner in the most recent office action. Applicants respectfully submit that the present application is in condition for allowance. The Examiner is encouraged to contact the undersigned to resolve efficiently any formal matters or to discuss any aspects of the application or of this response. Otherwise, early notification of allowable subject matter is respectfully solicited.

Respectfully submitted,

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